



US00D797428S

(12) **United States Design Patent** (10) **Patent No.:** **US D797,428 S**
Granger et al. (45) **Date of Patent:** **** Sep. 19, 2017**

(54) **SHOE INSOLE**

FOREIGN PATENT DOCUMENTS

(71) Applicant: **Spenco Medical Corporation**, Waco, TX (US)

DE 2603716 12/1976
EP 0774219 12/1997

(Continued)

(72) Inventors: **David B. Granger**, Lorena, TX (US);
Jacob Martinez, Temple, TX (US)

OTHER PUBLICATIONS

(73) Assignee: **Implus Footcare, LLC**, Durham, NC (US)

[Online] [retrieved on Jan. 22, 2013] [retrieved from Foot Science Limited website] (pdf) http://www.footscience.com/products_foot.html.

(**) Term: **15 Years**

(Continued)

(21) Appl. No.: **29/533,216**

Primary Examiner — Elizabeth J Oswecki

(22) Filed: **Jul. 15, 2015**

(74) *Attorney, Agent, or Firm* — Hemingway & Hansen, LLP; D. Scott Hemingway

(51) **LOC (10) Cl.** **02-04**

(52) **U.S. Cl.**

USPC **D2/961**

(58) **Field of Classification Search**

USPC D2/953, 957, 958, 959, 960, 968, 946,
D2/947, 951, 955, 956, 961, 976; 36/83,
36/88, 91, 92, 93, 94, 95, 96, 97, 98, 136,
36/25 R, 36 R, 43, 44, 71

CPC A43B 7/14; A43B 7/1405; A43B 7/141;
A43B 7/1415; A43B 7/142; A43B
7/1425; A43B 7/143; A43B 7/1435; A43B
7/144; A43B 7/1445; A43B 7/146; A43B
7/1465; A43B 7/1475; A43B 7/148; A43B
7/1485; A43B 7/149; A43B 7/1495; A43B
7/16; A43B 7/18; A43B 7/19; A43B 7/22;
A43B 7/223; A43B 7/226; A43B 7/28;
A43B 7/30; A43B 7/32; A43B 7/34;
A43B 7/36; A43B 7/38; A43B 13/383;
A43B 13/386; A43B 13/39; A43B 13/40;
A43B 17/14

See application file for complete search history.

(57) **CLAIM**

The ornamental design for a shoe insole, as shown and described.

DESCRIPTION

FIG. 1 is a perspective view of a first embodiment of a shoe insole showing our new design;
FIG. 2 is a bottom view thereof;
FIG. 3 is a top view thereof;
FIG. 4 is a medial side view thereof;
FIG. 5 is a lateral side view thereof;
FIG. 6 is a front view thereof;
FIG. 7 is a back view thereof;
FIG. 8 is a perspective view of a second embodiment of a shoe insole showing our new design;
FIG. 9 is a bottom view thereof;
FIG. 10 is a top view thereof;
FIG. 11 is a medial side view thereof;
FIG. 12 is a lateral side view thereof;
FIG. 13 is a front view thereof; and,
FIG. 14 is a back view thereof.

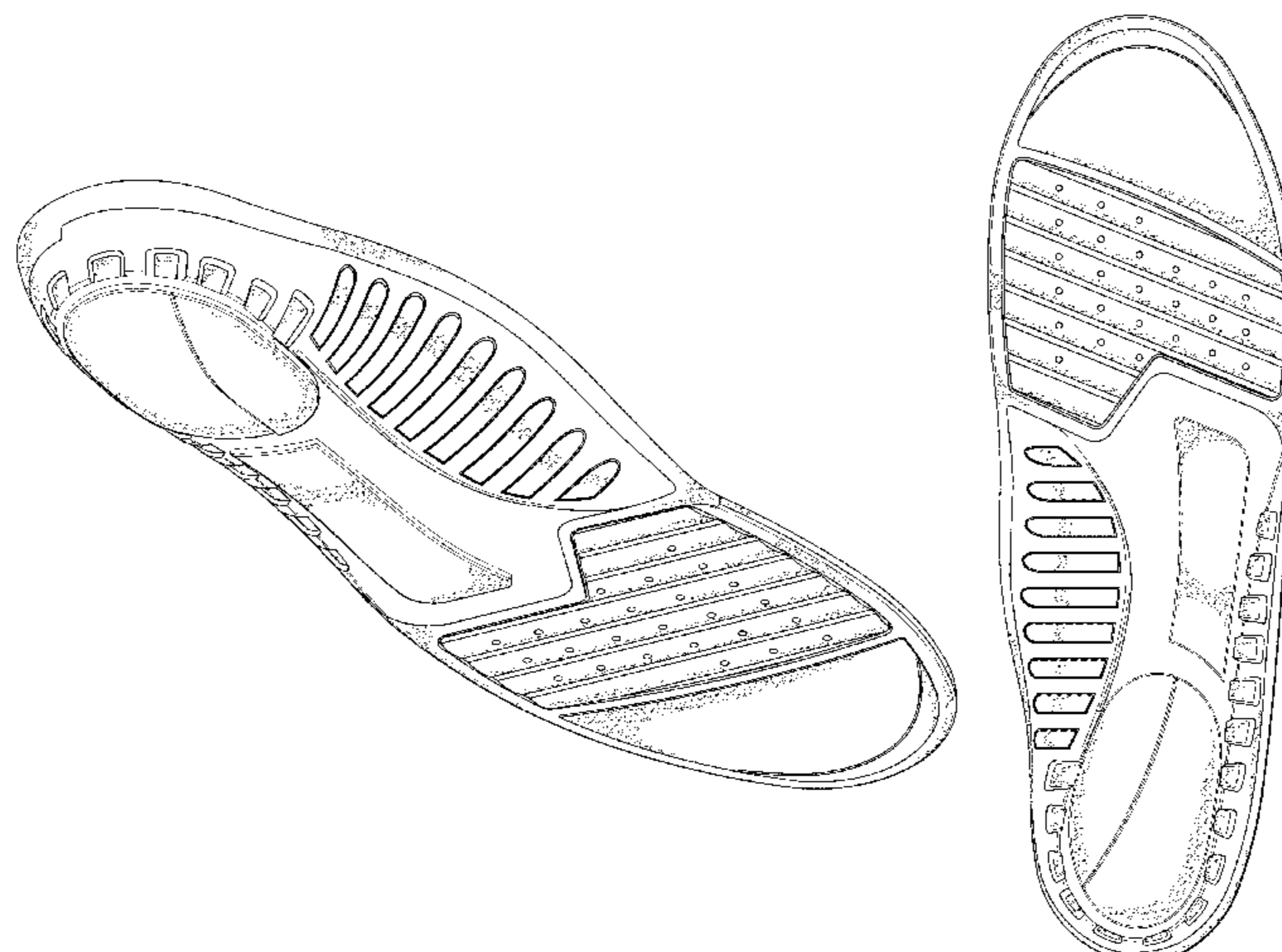
(56) **References Cited**

U.S. PATENT DOCUMENTS

333,595 A 1/1886 Butterfield
360,127 A 3/1887 Wallis

(Continued)

1 Claim, 10 Drawing Sheets



(56)

References Cited

U.S. PATENT DOCUMENTS

892,360 A	6/1908	Burns		4,694,831 A	9/1987	Seltzer
1,236,427 A *	8/1917	Halley	A43B 7/142	4,729,179 A	3/1988	Quist, Jr.
				D295,690 S	5/1988	Finn
				D299,583 S	1/1989	Tong et al.
1,281,987 A *	10/1918	McSweeney	A43B 7/142	4,800,657 A	1/1989	Brown
				4,813,160 A	3/1989	Kuznetz
				4,860,463 A	8/1989	Pin
			36/44	4,864,736 A	9/1989	Bierk
				4,864,740 A	9/1989	Oakley
			36/176	4,876,758 A	10/1989	Rolloff et al.
1,559,324 A	10/1925	Jensen		4,887,368 A	12/1989	Latzke
1,693,122 A	11/1928	Schwartz		4,888,841 A	12/1989	Cumberland
1,718,906 A	6/1929	Hurley		4,888,887 A	12/1989	Solow
1,811,641 A	6/1931	Marcelle		4,928,404 A	5/1990	Scheuermann
1,861,969 A	6/1932	Leighton, Jr.		D311,269 S	10/1990	Graham et al.
1,920,112 A	7/1933	Shaft		4,974,342 A	12/1990	Nakamura
1,945,780 A	2/1934	Johnson		5,010,661 A	4/1991	Chu
2,031,510 A	2/1936	Stewart et al.		5,014,706 A	5/1991	Philipp
2,045,844 A	6/1936	Everston		5,025,573 A	6/1991	Giese et al.
2,055,574 A	9/1936	Hartl		5,025,575 A	6/1991	Lakic
2,090,881 A	8/1937	Wilson		5,027,461 A	7/1991	Cumberland
2,207,437 A	7/1940	Marks et al.		5,035,068 A	7/1991	Biasi
2,090,194 A	12/1940	Boivin		D319,919 S	9/1991	Niarhos
2,224,642 A	12/1940	Burns		D324,761 S	3/1992	Soo-Kwan
2,284,947 A	6/1942	Clifford		5,092,060 A	3/1992	Frachey et al.
2,302,706 A	11/1942	Margolin		5,138,775 A	8/1992	Chu
2,347,207 A	4/1944	Margolin		5,155,927 A	10/1992	Bates et al.
2,408,564 A	10/1946	Lea		5,175,946 A	1/1993	Tsai
D149,889 S	6/1948	Laybolt		5,184,409 A	2/1993	Brown
2,502,774 A	4/1950	Alianiello		5,197,207 A	3/1993	Shorten
2,553,616 A	5/1951	Walls		5,201,125 A	4/1993	Shorten
2,790,254 A	4/1957	Burns		D336,718 S	6/1993	Schroer, Jr.
2,827,050 A	3/1958	Fisher		5,224,277 A	7/1993	Sang Do
2,857,689 A	10/1958	Van Ostrom et al.		5,233,767 A	8/1993	Kramer
2,985,971 A	5/1961	Murawski		D342,374 S	12/1993	Wang
3,084,695 A	4/1963	O'Donnell		5,282,324 A	2/1994	Cheng
3,154,867 A	11/1964	Strope		D346,480 S	5/1994	Davidson
3,475,836 A	11/1969	Brahm		D348,146 S	6/1994	Nakano
3,992,801 A	11/1976	McDiarmid et al.		D349,393 S	8/1994	Mishan
D243,642 S	3/1977	Voorhees		D350,432 S	9/1994	Saez
4,020,570 A	5/1977	Shames		D350,848 S	9/1994	Tzenos
4,033,054 A	7/1977	Fukuoka		5,363,570 A	11/1994	Allen et al.
D246,486 S	11/1977	Nickel		5,367,791 A	11/1994	Gross et al.
4,071,963 A	2/1978	Fukuoka		D353,710 S	12/1994	Brazzell
4,108,928 A	8/1978	Swan, Jr.		5,369,896 A	12/1994	Frachey et al.
4,123,855 A	11/1978	Thedford		5,375,346 A	12/1994	Cole et al.
4,139,337 A	2/1979	David et al.		5,400,526 A	3/1995	Sessa
4,150,455 A	4/1979	Fukuoka		5,400,528 A	3/1995	Skinner et al.
4,179,826 A	12/1979	Davidson		5,408,761 A	4/1995	Gazzano
4,215,492 A	8/1980	Sandmeier		5,430,960 A	7/1995	Richardson
4,219,945 A	9/1980	Rudy		5,438,768 A	8/1995	Bauerfeind
4,223,457 A	9/1980	Borgeas		5,443,529 A	8/1995	Phillips
4,229,546 A	10/1980	Swan, Jr.		5,467,536 A	11/1995	Ramer et al.
4,237,626 A	12/1980	Brown		5,493,791 A	2/1996	Kramer
4,263,728 A	4/1981	Frecentese		D367,953 S	3/1996	King
4,309,831 A	1/1982	Pritt		5,509,938 A	4/1996	Phillips
4,316,332 A	2/1982	Giese et al.		5,524,364 A	6/1996	Cole et al.
4,325,380 A	4/1982	Malkin		5,545,463 A	8/1996	Schmidt et al.
4,346,205 A	8/1982	Hiles		D374,549 S	10/1996	McDonald
4,346,525 A	8/1982	Larsen et al.		5,615,496 A	4/1997	Sharpstein
4,364,188 A	12/1982	Turner et al.		5,619,809 A	4/1997	Sessa
4,408,402 A	10/1983	Looney		5,640,779 A	6/1997	Rolloff et al.
4,413,429 A	11/1983	Power		D380,290 S	7/1997	Nakagawa
4,453,322 A	6/1984	Marsh		D383,894 S	9/1997	Snyder et al.
1,541,186 A	9/1985	Mulvihill		5,669,162 A	9/1997	Dyer
4,541,184 A	9/1985	Leighton		D384,797 S	10/1997	Nakagawa
4,546,555 A	10/1985	Spademan		5,675,914 A	10/1997	Cintron
4,557,060 A	12/1985	Kawashima		5,678,328 A	10/1997	Schmidt et al.
4,581,187 A	4/1986	Sullivan et al.		5,685,094 A	11/1997	Lin
4,584,782 A	4/1986	Thatcher		D388,947 S	1/1998	Sessa
4,616,430 A	10/1986	McQuiggin		D389,296 S	1/1998	Sessa
4,619,056 A	10/1986	Lin et al.		D389,996 S	2/1998	Sessa
4,627,178 A	12/1986	Sullivan et al.		5,714,098 A	2/1998	Potter
4,627,179 A	12/1986	McElroy		5,722,186 A	3/1998	Brown
4,633,597 A	1/1987	Shiang		5,732,481 A	3/1998	Farhad
4,633,598 A	1/1987	Moronaga et al.		5,768,801 A	6/1998	Huff
4,633,877 A	1/1987	Pendergast		5,771,606 A	6/1998	Litchfield et al.
D288,383 S	2/1987	Autry		5,775,005 A	7/1998	McClelland
4,674,204 A	6/1987	Sullivan et al.		D396,948 S	8/1998	Moore et al.
4,694,589 A	9/1987	Sullivan et al.				

(56)

References Cited

U.S. PATENT DOCUMENTS

5,802,737 A	9/1998	Beppu	D576,391 S	9/2008	Contreras
D399,042 S	10/1998	Strawser et al.	D576,394 S	9/2008	Heller
5,845,418 A	12/1998	Chi	7,437,836 B2	10/2008	Kim
5,846,063 A	12/1998	Lakic	D584,885 S	1/2009	Contreras
5,852,885 A	12/1998	Ferniani	7,484,319 B2	2/2009	Cheskin et al.
D403,847 S	1/1999	Blythe	D592,386 S	5/2009	Baker et al.
5,879,725 A	3/1999	Potter	D593,742 S	6/2009	Issler
D411,759 S	7/1999	Byrd	D594,640 S	6/2009	McMillan
D418,666 S	1/2000	Brown	D596,833 S	7/2009	Dominquez et al.
D420,210 S	2/2000	Allen	7,555,849 B2	7/2009	Canvin
D420,788 S	2/2000	Kitagawa	D601,786 S *	10/2009	Avent D2/961
6,029,372 A	2/2000	Pan	D602,238 S	10/2009	Avent et al.
D423,765 S	5/2000	Autry	7,610,696 B2	11/2009	Davis
D425,690 S	5/2000	Bray et al.	7,665,169 B2	2/2010	Cheskin et al.
D426,118 S	6/2000	Thomas	D611,237 S	3/2010	Torrance et al.
6,070,342 A	6/2000	Brown	7,712,229 B2	5/2010	Yang
6,079,123 A	6/2000	Clark	7,721,467 B2	5/2010	Cheskin et al.
6,082,023 A	7/2000	Dalton	D617,086 S	6/2010	Avent et al.
D428,689 S	8/2000	Guiotto et al.	D617,087 S	6/2010	Avent et al.
D429,063 S	8/2000	Rose	D627,958 S *	11/2010	Cheskin A43B 7/141 D2/961
6,105,283 A	8/2000	Park	D628,779 S	12/2010	Martinez et al.
D432,769 S	10/2000	Yung et al.	D634,920 S	3/2011	Martinez et al.
6,151,801 A	11/2000	Frederiksen et al.	D634,924 S	3/2011	Cheskin et al.
6,176,025 B1	1/2001	Patterson et al.	7,900,380 B2	3/2011	Rich
D441,947 S	5/2001	Escobar et al.	7,908,768 B2	3/2011	Cheskin et al.
6,233,847 B1	5/2001	Brown	D656,716 S	4/2012	Eades
6,266,897 B1	7/2001	Seydel et al.	8,186,081 B2	5/2012	Wilson, III et al.
D448,542 S	10/2001	Bryant	D663,511 S	7/2012	Martinez et al.
D448,850 S	10/2001	Fabricant	D664,754 S *	8/2012	Klein D2/961
6,301,805 B1	10/2001	Howlett et al.	D665,566 S *	8/2012	Klein D2/961
D456,128 S	4/2002	Evans et al.	8,241,450 B2	8/2012	Hensley et al.
D460,854 S	7/2002	Hung	8,250,784 B2	8/2012	Cheskin et al.
6,425,195 B1	7/2002	Donzis	8,296,969 B2	10/2012	Granger et al.
6,453,578 B1	9/2002	Yung et al.	8,424,222 B2	4/2013	Sulak et al.
D465,079 S	11/2002	Merceron	D681,321 S	5/2013	Martinez et al.
D465,844 S	11/2002	Anderson et al.	D689,276 S *	9/2013	Klein D2/961
6,481,120 B1	11/2002	Xia et al.	8,745,894 B2	6/2014	Cheskin et al.
6,497,057 B1	12/2002	Lee et al.	D717,528 S *	11/2014	Avent D2/961
6,502,330 B1	1/2003	David et al.	D723,786 S	3/2015	Martinez et al.
6,510,626 B1	1/2003	Greenawalt	D761,543 S *	7/2016	Granger D2/961
6,519,874 B1	2/2003	Dean	D762,366 S *	8/2016	Granger D2/961
D471,001 S	3/2003	Beck	D762,367 S *	8/2016	Granger D2/961
6,536,137 B1	3/2003	Celia	D762,368 S *	8/2016	Granger D2/961
6,553,690 B2	4/2003	Di Girolamo	D766,560 S *	9/2016	Granger D2/961
D474,331 S	5/2003	Dean	D770,744 S *	11/2016	Escobar D2/961
D474,588 S	5/2003	Dean	D771,364 S *	11/2016	Nester D2/961
D474,881 S	5/2003	Su	D771,365 S *	11/2016	Nester D2/961
6,581,303 B1	6/2003	Tuan	D771,921 S *	11/2016	Granger D2/961
6,598,319 B2	7/2003	Hardt	D771,922 S *	11/2016	Granger D2/961
6,618,960 B2	9/2003	Brown	D773,792 S *	12/2016	Nester D2/961
6,631,568 B2	10/2003	Howlett et al.	D778,040 S *	2/2017	Granger D2/961
D485,425 S	1/2004	Polifroni	D778,567 S *	2/2017	Granger D2/961
D485,426 S	1/2004	Di Girolamo	2001/0000369 A1	4/2001	Snyder et al.
6,671,979 B2	1/2004	Cardarelli	2001/0045028 A1	11/2001	Crane et al.
6,684,532 B2	2/2004	Greene et al.	2002/0050080 A1	5/2002	Vasyli
D489,520 S	5/2004	Matis et al.	2002/0092203 A1	7/2002	Hardt
D495,123 S	8/2004	Wakatake	2002/0116840 A1	8/2002	Kraft
D497,473 S	10/2004	Martinez	2003/0009915 A1	1/2003	Bacon
D497,708 S	11/2004	Granger et al.	2003/0024134 A1	2/2003	Howlett et al.
D500,914 S	1/2005	Ammon	2003/0070321 A1	4/2003	Davis et al.
6,880,266 B2	4/2005	Schoenborn et al.	2003/0093920 A1	5/2003	Greene et al.
6,915,598 B2	7/2005	Grisoni et al.	2003/0121180 A1	7/2003	Poe
6,959,505 B2	11/2005	Poe	2003/0136025 A1	7/2003	Galbraith et al.
6,967,044 B1	11/2005	O'Brien	2003/0150134 A1	8/2003	Hardt
D515,292 S	2/2006	Granger et al.	2004/0020075 A1	2/2004	Garneau
7,082,702 B2	8/2006	Cretinon	2004/0025374 A1	2/2004	Basso
7,107,705 B2	9/2006	Dalton et al.	2004/0118017 A1	6/2004	Dalton et al.
D529,691 S	10/2006	Earle	2004/0181971 A1	9/2004	Turkbac et al.
D543,685 S	6/2007	Andersen et al.	2004/0194344 A1	10/2004	Tadin
D551,437 S *	9/2007	Hung D2/961	2005/0138847 A1	6/2005	Blackburn et al.
7,284,342 B2	10/2007	Avent et al.	2005/0166425 A1	8/2005	Seiter
D555,341 S *	11/2007	Vasyli D2/961	2005/0262736 A1	12/2005	Peoples
7,316,081 B1	1/2008	Cheng	2006/0010717 A1	1/2006	Finkelstein
D563,649 S	3/2008	Andersen et al.	2006/0016099 A1	1/2006	Marco et al.
D572,888 S *	7/2008	Cai D2/961	2006/0026779 A1	2/2006	Berg et al.
			2006/0026865 A1	2/2006	Grisoni et al.
			2006/0096124 A1	5/2006	Moseley
			2006/0123664 A1	6/2006	Boyd et al.

(56)

References Cited

U.S. PATENT DOCUMENTS

2006/0130367 A1 6/2006 Liu
 2006/0137216 A1 6/2006 Ahlbaumer
 2006/0168846 A1 8/2006 Juan
 2006/0230643 A1 10/2006 Affleck
 2006/0254088 A1 11/2006 McCormick
 2006/0283043 A1 12/2006 Lamstein
 2007/0022630 A1 2/2007 Lundy, Jr. et al.
 2007/0033834 A1 2/2007 Cheskin et al.
 2007/0039209 A1 2/2007 White
 2007/0245592 A1 10/2007 Yamaguchi et al.
 2007/0261268 A1 11/2007 Nguyen
 2008/0028637 A1 2/2008 Benfatti
 2008/0110060 A1 5/2008 Ritter
 2008/0110064 A1 5/2008 Liu
 2008/0271340 A1 11/2008 Grisoni et al.
 2008/0295358 A1 12/2008 Lin et al.
 2009/0025254 A1 1/2009 Smith
 2009/0049712 A1 2/2009 Steszyn et al.
 2009/0100722 A1 4/2009 Hoffer et al.
 2009/0151194 A1 6/2009 Cheskin et al.
 2009/0165334 A1 7/2009 Kantro et al.
 2009/0249650 A1 10/2009 Sarantakos
 2010/0015869 A1 1/2010 Hartmann et al.
 2010/0083534 A1 4/2010 Howlett
 2010/0095552 A1 4/2010 Cheskin et al.
 2010/0126044 A1 5/2010 Davis
 2010/0170116 A1 7/2010 Shim
 2010/0205831 A1 8/2010 Checkin et al.
 2010/0212187 A1 8/2010 Jones
 2010/0218398 A1 9/2010 Reinhardt et al.
 2010/0218399 A1 9/2010 Jeong
 2010/0251577 A1 10/2010 Yamada
 2011/0072685 A1 3/2011 Gutowsky, Jr. et al.
 2011/0131835 A1 6/2011 Cheskin
 2011/0162234 A1 7/2011 Dean
 2011/0209360 A1 9/2011 Baker et al.
 2011/0219642 A1 9/2011 Sulak et al.
 2011/0232129 A1 9/2011 Roberts et al.
 2011/0252665 A1 10/2011 Tsai
 2011/0252671 A1 10/2011 Maron et al.
 2011/0302805 A1 12/2011 Vito
 2012/0090197 A1 4/2012 Wyner et al.
 2012/0192452 A1 8/2012 Lewis et al.
 2012/0272546 A1 11/2012 Tsai
 2013/0104419 A1 5/2013 Horesh et al.
 2013/0160331 A1 6/2013 Burke

FOREIGN PATENT DOCUMENTS

KR 20-19930024801 5/1992
 KR 20-0427687 4/2006
 KR 10-0641278 10/2006
 KR 10-0736813 7/2007
 KR 10-0780086 11/2007
 WO WO 2004060095 7/2004
 WO WO 2006035469 4/2006

WO WO 2006090398 8/2006
 WO WO 2007021328 2/2007
 WO WO 2007056101 5/2007
 WO WO 2008015195 12/2008
 WO WO 2009068298 6/2009
 WO WO 2009126111 10/2009
 WO WO 2009136685 11/2009
 WO WO 2011108011 9/2011

OTHER PUBLICATIONS

[Online] [retrieved on Jan. 22, 2013] [retrieved from geldoctor website] (pdf) <http://www.geldoctor.com/flosole.html>.
 [Online] [retrieved on Jan. 22, 2013] [retrieved from Gerbing's website] (pdf) <http://www.gerbing.com/Products/insoles.php>.
 [Online] [retrieved on Jan. 22, 2013] [retrieved from Heat Factory website] (pdf) <http://www.heatfactory.com/english/product.pht?cat=3&id>.
 [Online] [retrieved on Jan. 22, 2013] [retrieved from Dr. Rosenberg's Foot Products website] (pdf) <http://www.instantarches.com/cool-soles.shtml>.
 [Online] [retrieved on Jan. 22, 2013] [retrieved from Mean and Green website]web page] (pdf) http://www.meanandgreen.com/army/-Thermal-Foil_insoles/2660/2303.html.
 [Online] [retrieved on Jan. 22, 2013] [retrieved from Superfeet website] (pdf) <http://www.superfeet.com/products/REDHot.aspx>.
 [Online] [retrieved on Jan. 22, 2013] [retrieved from Thermo Soles website] (pdf) <http://www.thermosoles.com/>.
 [Online] [retrieved on Jan. 22, 2014] [retrieved from Warmers.com website] (pdf) <http://www.warmers.com/grabber-got-warmers-medium-5-hour-10pr-bundle>.
 PCT, International Search Report & Written Opinion of the International Searching Authority for PCT/US2013/026932. Jun. 18, 2013.
 PCT, International Search Report & Written Opinion of the International Searching Authority for Counterpart International Patent Application No. PCT/US2006/014681. Jul. 27, 2006.
 PCT, International Search Report & Written Opinion of the International Searching Authority for Counterpart International Patent Application No. PCT/US2013/057141. Nov. 12, 2013.
 PCT, International Search Report & Written Opinion of the International Searching Authority for Counterpart International Patent Application No. PCT/US2014/0055133. Jan. 15, 2015.
 PCT, International Search Report and Written Opinion of the International Searching Authority for Counterpart International Patent Application No. PCT/US2006/042885. Mar. 13, 2007.
 Supplementary Extended European Search Report of the European Patent Office for European Search Report No. EP 13754536.4. Jun. 1, 2015.
 PCT, International Search Report & Written Opinion of the International Searching Authority for Counterpart International Patent Application No. PCT/US2015/011960. Apr. 30, 2015.

* cited by examiner

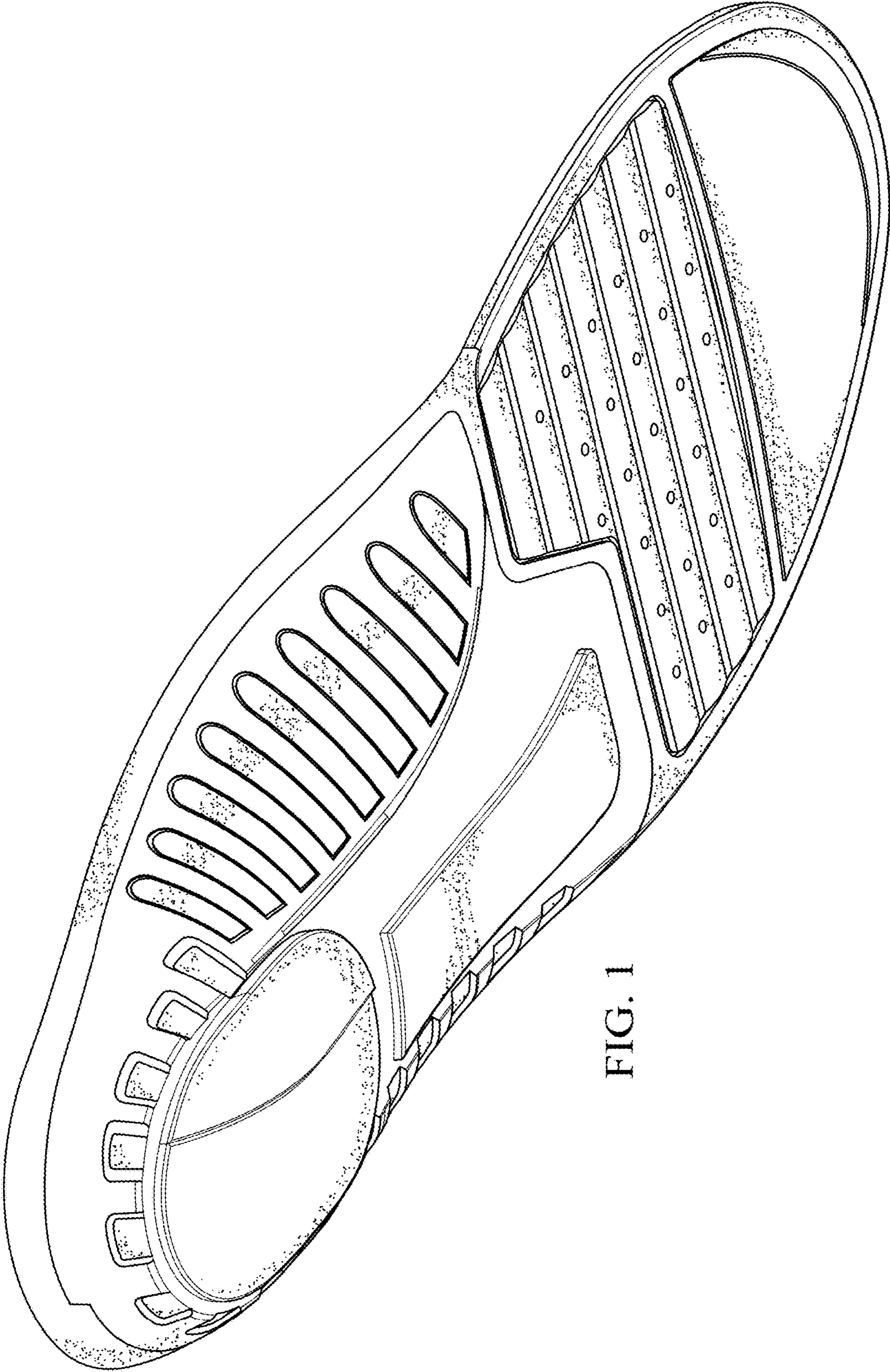


FIG. 1

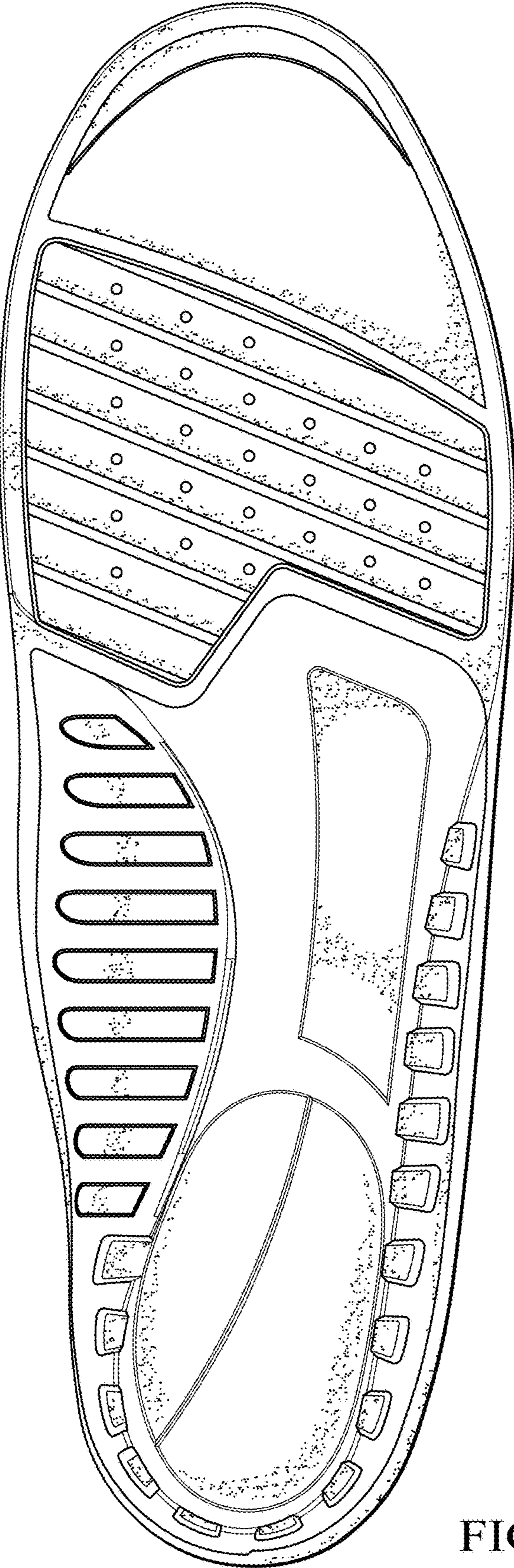


FIG. 2

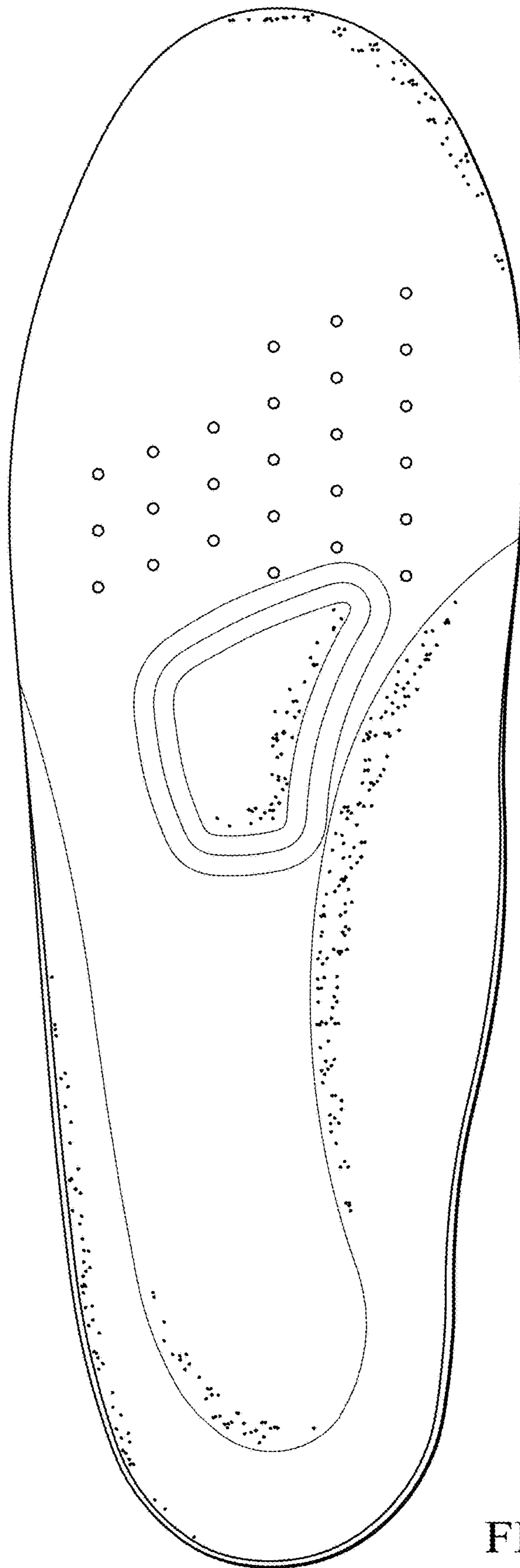


FIG. 3

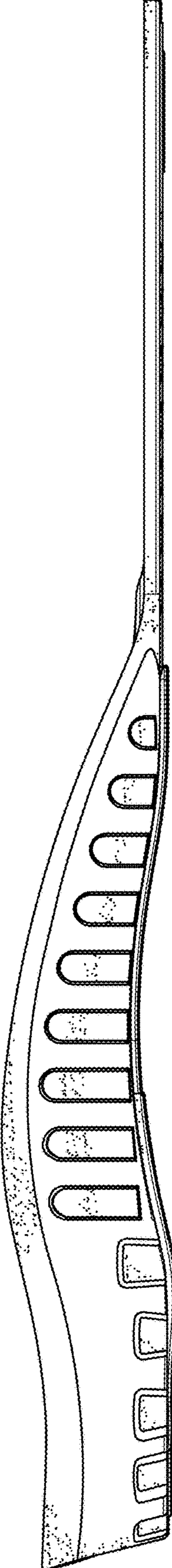


FIG. 4

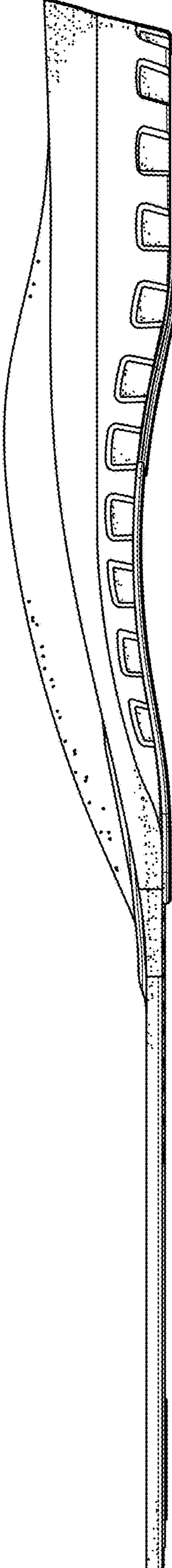


FIG. 5

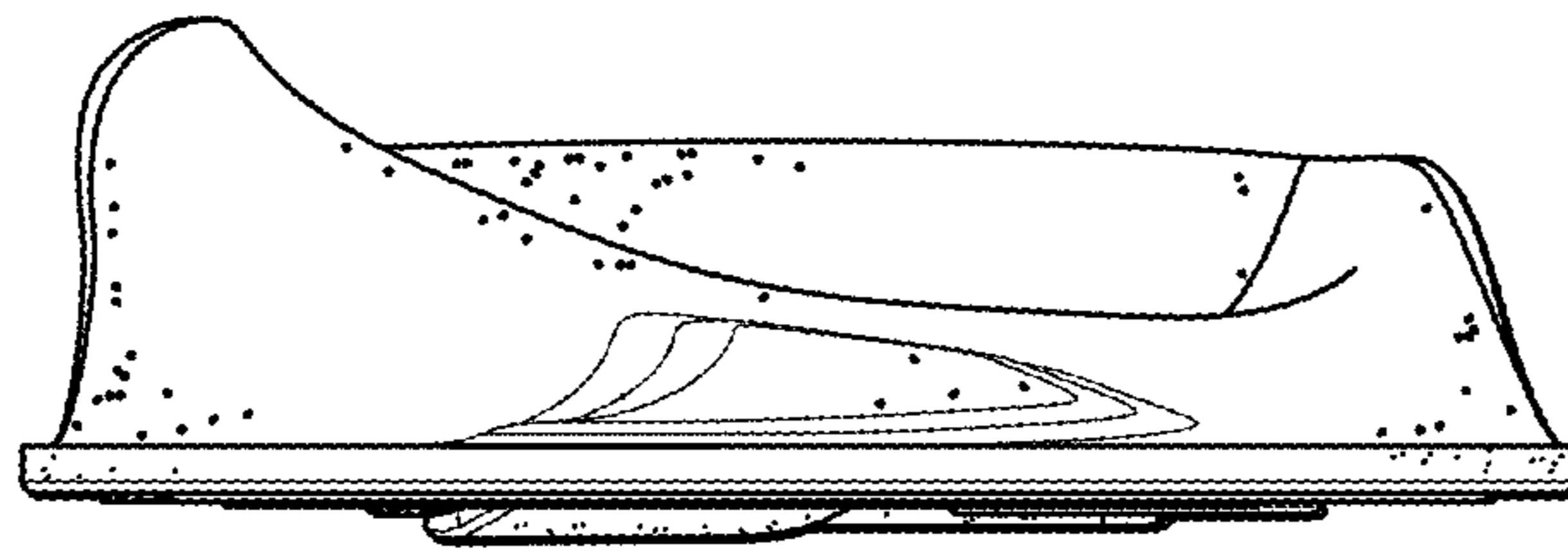


FIG. 6

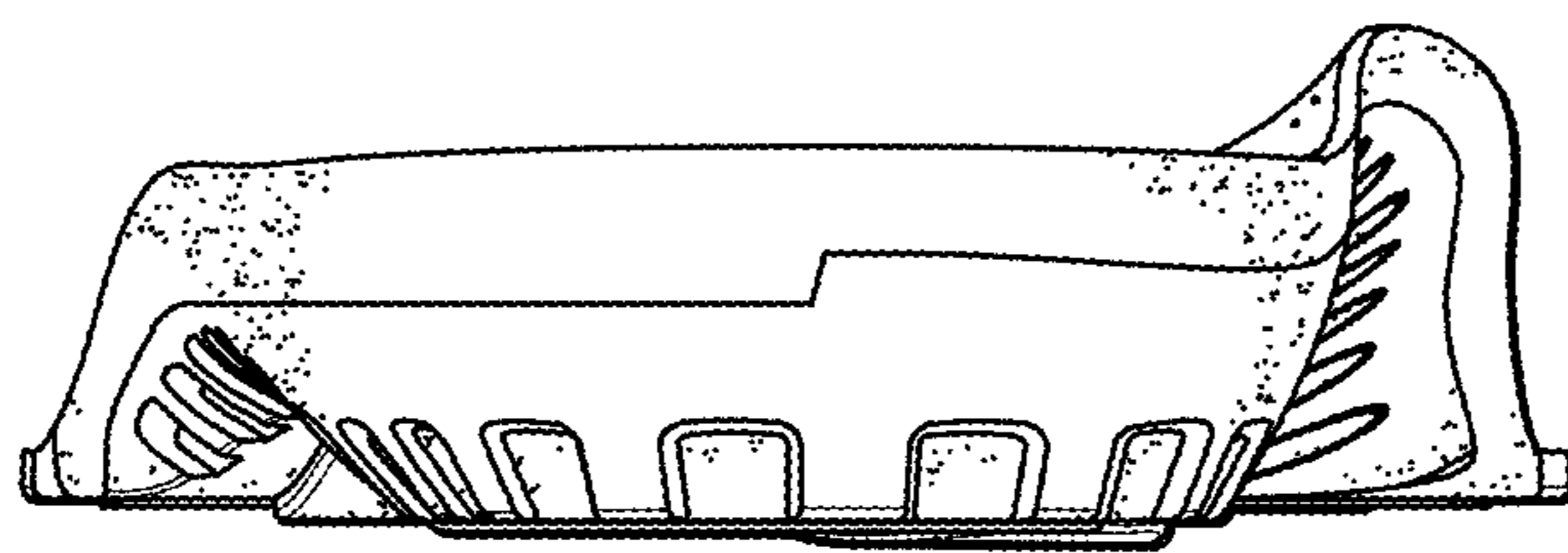


FIG. 7

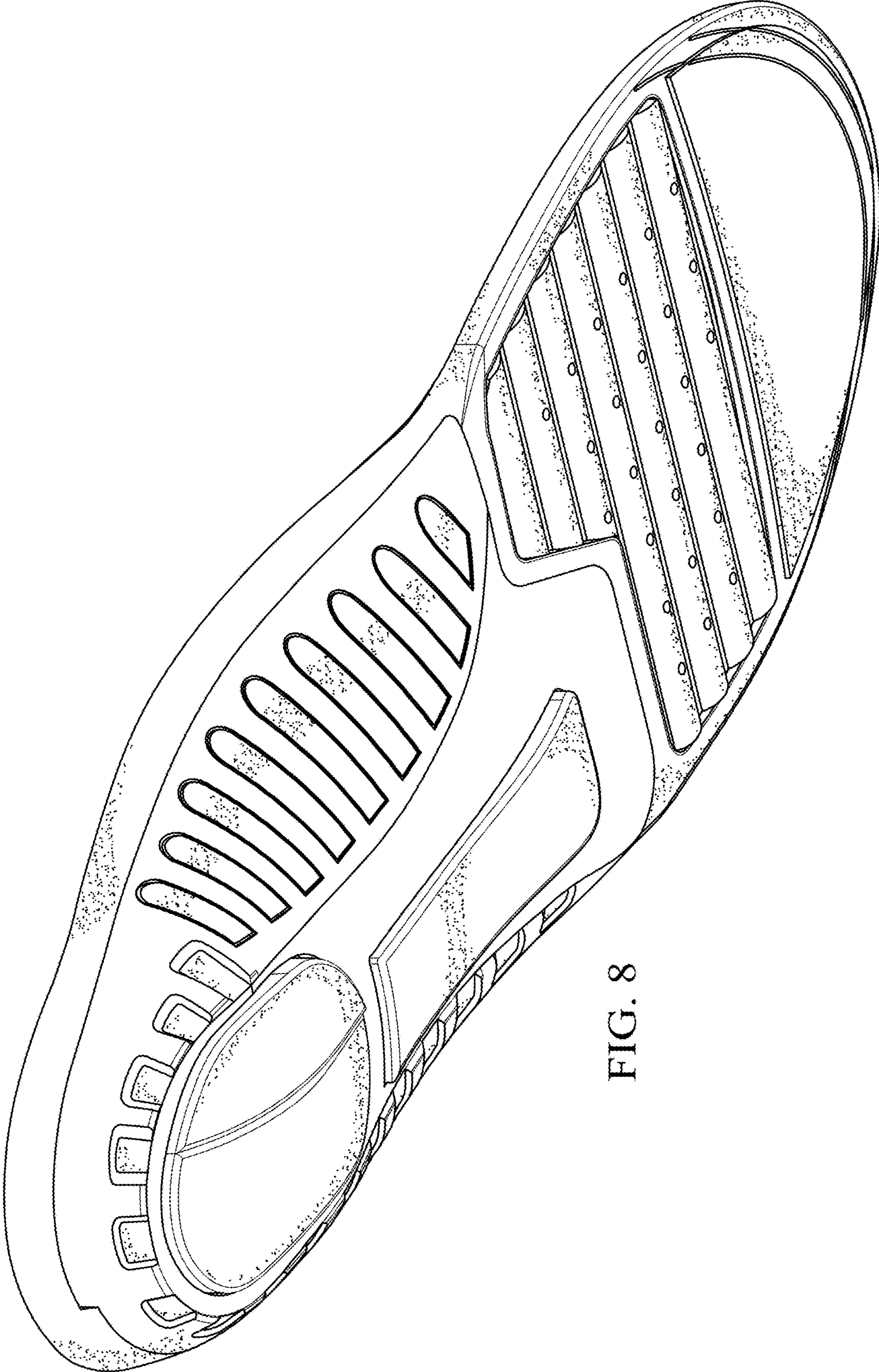


FIG. 8

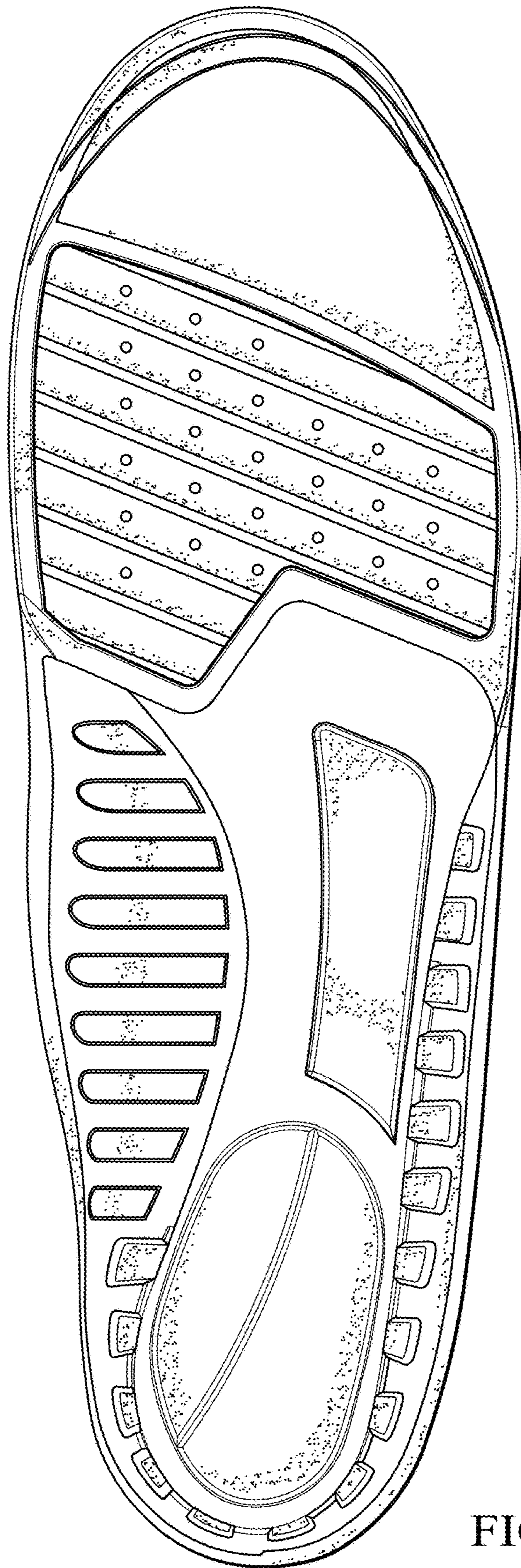


FIG. 9

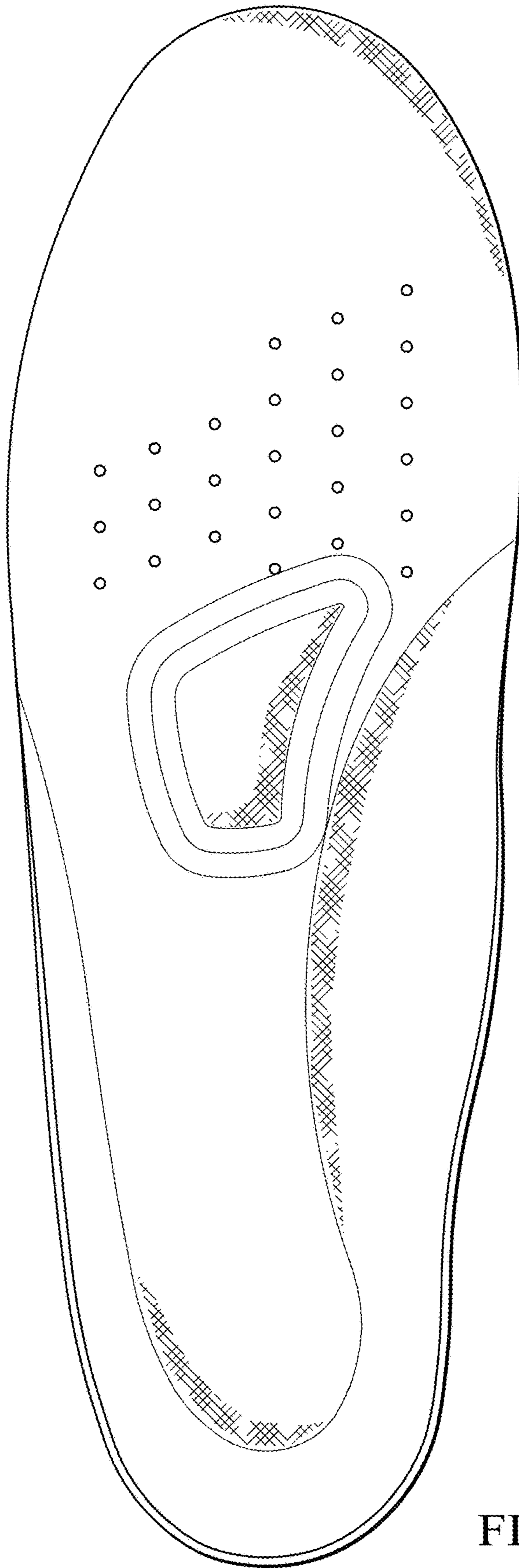


FIG. 10

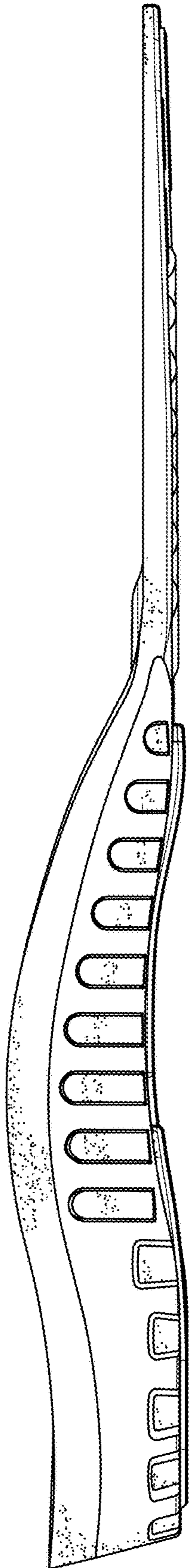


FIG. 11

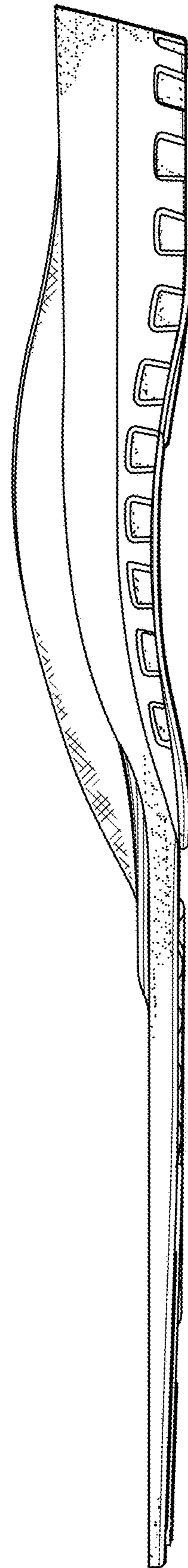


FIG. 12

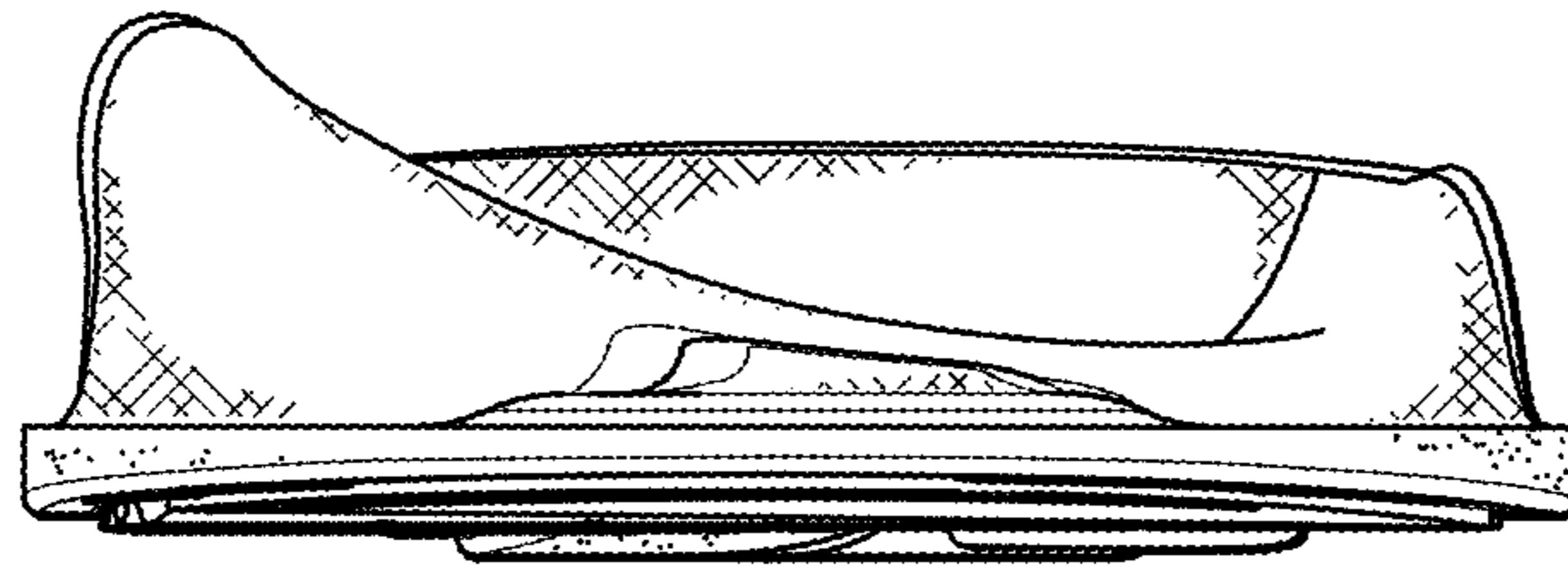


FIG. 13

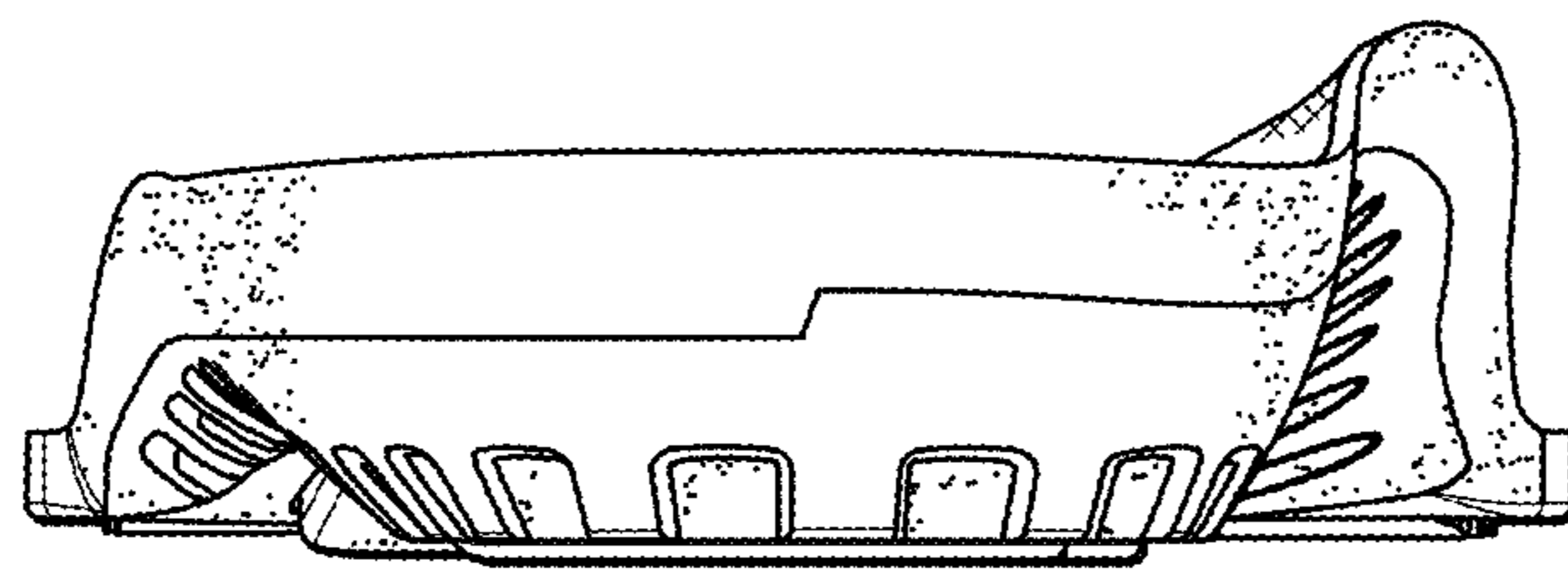


FIG. 14